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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

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DIVISION OF PROFESSIONAL REGULATION

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| <b>PUBLIC MEETING MINUTES:</b> | <b>BOARD OF FUNERAL SERVICES</b>   |
| <b>MEETING DATE AND TIME:</b>  | <b>Wednesday, May 25, 2011, 10:00 a.m.</b>   |
| <b>PLACE:</b>                  | 861 Silver Lake Boulevard, Dover, Delaware<br><b>Conference Room B</b> , second floor of the Cannon Building |
| <b>MINUTES APPROVED:</b>       | July 27, 2011  |

**MEMBERS PRESENT**

Harry Fletcher, Professional Member, President  
Marceline Knox, Public Member, Secretary  
Chad Chandler, Professional Member  
William Torbert, Professional Member  
Robert O. Wright, Professional Member  
Danna Levy, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL**

Danny Stevenson, Deputy Attorney General  
Michele Howard, Administrative Specialist II  
James Collins, DPR Director  
Allison Reardon, Deputy Attorney General  
Sandra Wagner, Administrative Specialist III  
Kristin Gibbons, DPR Hearing Officer

**MEMBERS ABSENT**

M.C. Byrd, Public Member

**OTHERS PRESENT**

None

**CALL TO ORDER**

Mr. Fletcher called the meeting to order at 10:01 a.m.

**REVIEW OF MINUTES**

The Board reviewed the minutes of the March 30, 2011 meeting. Mr. Chandler made a motion, seconded by Ms. Knox, to approve the March 30, 2011 minutes as written. The motion was unanimously carried.

**UNFINISHED BUSINESS**

**Sign Board Order – Trader Hearing (Byrd)**

Ms. Howard reported that a Division Investigator hand-delivered the Board Order to Ms. Byrd for her signature.

**Strategic Planning – Develop a New Strategic Plan**

Mr. Stevenson distributed a blank Strategic Plan form to the Board members and advised that they need to decide what goals the Board wants to meet for the upcoming year. Mr. Stevenson asked Board members to think about the Board's goals and propose ideas at the next meeting.

2011 Annual Meeting of The Conference – Report from Robert Wright

Mr. Wright distributed his written report to the Board members. Mr. Wright reported that he represented the State of Delaware in March at the annual meeting of The Conference in Myrtle Beach, S.C. Mr. Wright asked that his written report be included in the meeting minutes for the record. Mr. Wright summarized his report and thanked the State and the Board for the opportunity to attend the meeting on its behalf.

Mr. Wright's written report was as follows:

*May 24, 2011*

*Robert O. Wright, I, CFSP- Delaware License #470*

*This is a report of Robert O. Wright, who was the representative for the state of Delaware at the International Conference Funeral Service Examine Boards. The conference was held at Grand Dunes Hotel and Marina in Myrtle Beach, South Carolina. The conference was held on March 3-5, 2011.*

*The conference consists of District Units and Delaware is a part of the Second District which comprises of DE, MD, N.J., VA, WVA, Wash, DC and PA. Our national conference board representative is Mrs. Billie Watson Hughes who is a past president of the conference. The next national conference will be held in Little Rock, Arkansas on February 29 to March 1, 2012. The national slogan is Regulation is the protection of the general public. The conference attorney is Mr. Dale Atkinson. I had the pleasure to attend the following sessions:*

*Actively Seeking Efficiencies through Technology to Reduce Paper, Presenter, David Christian, SC Div. Profession/Occup. Licensing*

*Consumer Bill of Rights, Presenter, Craig Tregillus, Federal Trade Commission*

*Legislative Updates and Recent Regulatory Cases, Paul Harris, Member of Board of North Carolina*

*Emergency Preparedness, Timothy Koch, Minnesota Dept. Health Mortuary Science*

*Bylaws discussion and Vote*

*Risk Management*

*Legislative Updates*

*Awards Luncheon and All District 2 meetings*

*The attendees at the conference were placed into teams with specific task and resolution of licensing problems!*

*Failure of Licenses to comply with state rules/laws*

*Firms that were allowing non licensees to conduct business!*

*How to promptly address issues with licensees!*

*I am very proud to say that I attended all meetings and workshops and was always there ten minutes prior to start on time!*

*I had the pleasure to participate in the seminar role plays.*

*I also, met Mr. Tegrillus from the Federal Trade Commission and was able to talk about the recent fines of five Funeral Establishments here!(Fall 2010)*

*Revision of Licensing Applications*

*Two Part Application*

*A. Confidential*

*B. Public record and inclusion provided by open record law*

*Example: height, weight, hair color!*

*Start adding social security number! (the most used tracking aid)*

*Conviction of DUI most preferred addition to application nationally*

*Risk Management-Identity Theft*

*Considering anyone should only have three attempts in life to pass state law exam.*

*Paperless Board Meetings: Most states issue business cards to board members!*

*I was very comfortable in the sessions at conference because of the degree of interaction in my professional nationally.*

*It is my firm conviction that on site inspections of establishment is warranted.*

*There should be bi-annual inspections of funeral establishments or every five year intervals. The norm that was shared in every other year in most states.*

*Another facet of this conference was demort.*

*Is Delaware ready to respond to a disaster?*

*Do we have a storage area containing at least 1000 durable body bags?*

*Do we have at least a 16 foot trailer to serve as a command post?*

*At least (3) 20'x10' tents with sides.*

*Three or more gas powered generators*

*If reciprocity is extended it should be to states that reciprocate with you!*

RULES AND REGULATIONS

Internships – Legislative Subcommittee Recommends No Changes

Mr. Stevenson reported that the Board's current Rules and Regulations require an applicant to complete his/her education prior to applying for a funeral internship. The Legislative Subcommittee considered a proposal from licensee Tom Melvin that the Board amend its Rules and Regulations to allow internships to begin prior to the completion of mortuary education. After discussions at Legislative Subcommittee meetings, the committee members recommended that the Board make no changes to its Rules and Regulations governing internships.

Advertising – Review Proposed Draft from DAG

Mr. Stevenson distributed a draft of the Legislative Subcommittee's proposed advertising regulations to the Board. Mr. Fletcher asked the Board members to review the draft and ask any questions they may have. After review, Mr. Fletcher complimented the committee on its proposal. Mr. Chandler asked if advertising materials had already been printed without the required telephone number, for example, would those materials be "grandfathered" once the new rules took affect. Mr. Wright and Mr. Torbert agreed that the new rule would apply only to any materials ordered after the rule was passed, and would not affect materials that were printed prior to the rule. Mr. Wright made a motion, seconded by Mr. Torbert to accept the draft of advertising regulations as proposed and to move forward with scheduling a public hearing on the matter. The motion was unanimously carried. Mr. Stevenson will advise the Board when a public hearing is scheduled.

Parking Requirement – Update from DAG

Mr. Stevenson reported that he had spoken with several people regarding the proposed parking requirement. Mr. Wright asked Mr. Stevenson if he spoke with Jimmy Dipinto of Wilmington. Mr. Stevenson replied that he had not spoken with Mr. Dipinto because his supervisors had advised him that

parking requirements were under the jurisdiction of local municipalities. Mr. Wright reported that he spoke with Clifford DeBaptiste of Pennsylvania, and that Mr. DeBaptiste will prepare a presentation for the Board regarding Pennsylvania's parking requirements for funeral establishments. Mr. Stevenson agreed to contact Jimmy Dipinto in Wilmington. Mr. Chandler stated that parking regulations are determined by municipalities. Mr. Wright stated that he wants the Board to be proactive because he believes that parking will be an issue at some point in time. Mr. Stevenson advised of a Supreme Court case regarding ABC trying to close down a bar for a parking issue, where the court ruled that parking requirements were a municipal decision. Mr. Wright asked what year that Supreme Court decision was made. Mr. Stevenson stated that he believes it was around 1999. Mr. Fletcher, Mr. Chandler and Mr. Stevenson agreed that parking requirements are regulated by counties and local municipalities. Mr. Wright asked Mr. Stevenson to submit that statement in writing for his files. Mr. Stevenson agreed.

#### Licensure by Reciprocity – Update from DAG

Mr. Stevenson advised that the Legislative Subcommittee believes it is "too easy" to be licensed in Delaware through reciprocity, since states such as Pennsylvania do not offer reciprocal licenses to Delaware licensees. Mr. Stevenson advised that a legislative change would be required to amend the Board's licensing law. Mr. Wright stated that the Legislative Subcommittee's recommendation was that funeral directors licensed in other states should be required to complete an apprenticeship in Delaware before being approved for licensure. Mr. Wright added that he is bothered that in "any other state", a Delaware licensee is granted a limited license to practice, but Delaware grants a full license to out-of-state applicants. Mr. Wright stated that Pennsylvania will only offer a Delaware licensee a limited license, unless the Delaware licensee completes an apprenticeship in Pennsylvania, in which case a full license would be granted. DPR Director James Collins entered the meeting. Mr. Wright acknowledged Director Collins and provided him a copy of his written report from the annual meeting of The Conference. Mr. Torbert stated that a licensee from Maryland or Pennsylvania may receive a full license in Delaware, provided the licensee has completed an apprenticeship in another state. Mr. Wright questioned whether the State of Delaware has, through the years, "unknowingly" issued full licenses when they "should have issued limited licenses". Mr. Wright stated that Maryland requires a Delaware licensee to complete a Maryland apprenticeship before granting a full license. Mr. Torbert disagreed and stated that he has a full license in Maryland and did not have to complete an apprenticeship there. Mr. Wright stated that he has spoken at length with Harry Close, President of the Maryland Board, and Clifford DeBaptiste of Pennsylvania, regarding the licensing laws of Maryland and Pennsylvania. Mr. Wright believes that Delaware has been "too liberal" with its licenses. Mr. Stevenson advised that the Board's purpose is to protect the public, not the licensees. Mr. Wright asked if licensees were considered the public. Mr. Stevenson responded that the Board generally protects the public from industry professionals. Mr. Stevenson stated that the impression he got from the subcommittee's discussions were that they were trying to protect the trade, and not the public. Mr. Wright stated that as a small operator, he is at a disadvantage if Delaware gives a license to "anyone in another state", such as "a guy who just hit the lottery in Pennsylvania". Mr. Wright provided the following illustration: If a competitor comes to Delaware and opens a ten million dollar funeral establishment and Mr. Wright only has an eight hundred thousand dollar establishment, and the competitor has brand new equipment and can pay his employees two hundred dollars, and Mr. Wright can only pay his employees one hundred and twenty five dollars, then Delaware has created a "hostile environment" for Mr. Wright to practice. Mr. Stevenson reiterated that the purpose of the Board of Funeral Services is to protect the public. President Fletcher addressed Mr. Wright. Mr. Fletcher's opinion is that individual board members should not be approaching other state boards or entities without prior discussion and approval of such proposed contact at a Board meeting. Mr. Wright stated that the experience of the Delaware Board members is "very limited". Mr. Fletcher stated that the Board's DAG should be speaking to other state boards and entities on behalf of the entire Board, not an individual member. Mr. Wright disagreed. Mr. Stevenson stated that the purpose of the Board is not the protection of licensees, but the protection of the public, and that perhaps a trade association could address Mr. Wright's issues concerning competition within the industry. Mr. Fletcher recognized Director Collins. Mr. Collins stated that he is getting increasingly concerned as he reads the minutes and comes to the meetings about the direction that the Board is taking. Mr. Collins advised that the Board's DAG was trying to counsel the Board that its role is to protect the consumers of funeral services. Mr. Collins believes that the conversations he has overheard would be more appropriate for a funeral association, as opposed to the state licensing Board. Mr. Collins stated that unless a licensee is fixing prices (or something similar) in a way that is harming the public, then it's not the concern of the Board. Mr. Collins advised Mr. Wright that meetings of the Delaware State Board of Funeral Services are not the venue for

some of the things he is trying to accomplish, which is causing some awkward conversations. Mr. Collins added that the Board's laws are in place to set minimum standards, and that Delaware should be aware of other states' licensing laws across the nation. Mr. Collins stated that the Board's licensing laws should be on par with other states, especially those surrounding Delaware. Mr. Collins advised that the trend today is not to close borders, but for licensure portability; if licensing standards are substantially similar across the board, then licensees should be able to move across borders without "a lot of hassle". Mr. Collins does not believe the Board should set itself up in a posture to make it more difficult to get licensed in Delaware. Mr. Collins stated that he has worked with Maryland through other professions to allow licensees to come across the Delaware-Maryland border. Mr. Collins advised that if the Board agrees, members may ask others to weigh-in on Board issues by attending a public meeting or writing a letter. Mr. Collins recommended that in lieu of individual members offering anecdotal comments regarding licensing standards in other states, that the Board's DAG should research the licensing standards of other states and compare them to Delaware on the Board's behalf. Mr. Wright stated that the Legislative Subcommittee had previously asked DAG Stevenson to research the licensing laws of Pennsylvania and Maryland. Mr. Collins recommended that the Board's DAG prepare a chart comparing Delaware's licensing standards to those of surrounding states and beyond for the Board's review. Mr. Collins advised that limiting people from coming in to Delaware will ultimately limit them from going out of Delaware. Mr. Wright stated that he attempted to obtain a full license in Maryland 15-18 years ago but was only granted a limited license, whereas Mr. Torbert was granted a full license in Maryland without a Maryland apprenticeship. Mr. Wright would like to know why he was not offered a full license in Maryland. Mr. Wright stated that Maryland and Pennsylvania have stricter requirements for full licensure, but Delaware "gives away" its full licenses. Mr. Collins disagreed that the state has erroneously issued full licenses and stated that Delaware has certain requirements that individuals must meet. Mr. Collins believes that requiring an in-state Delaware apprenticeship to applicants for licensure by reciprocity is a cloaked way of stopping licensees from coming in to Delaware and would be a step backwards. Mr. Wright stated that there have been two occasions where he and Mr. Collins have disagreed, and that although disagreements are good and allow him to do more research, he believes that he has a different outlook as an owner and a licensee. Mr. Wright stated that he would like the business that he started "to go on and have the same free will as all other practices that are going on in Delaware". Mr. Wright asked how the decision is made to determine whether we issue a full license or a limited license when we receive an application by reciprocity. Mr. Collins explained that we review the application that is submitted, whether it be for full licensure or limited licensure, and determine if the applicant meets the requirements of that license type. Mr. Collins added that the law states that if an applicant applies for a full license and qualifies under the law for a full license, then the Board of Funeral Services *shall* grant the applicant a full license. Mr. Wright asked that Mr. Stevenson research the licensing standards of Maryland and Pennsylvania and report back to the Board at its next meeting. Mr. Collins stated that 80-90% of the dialogue in the Board's last few meetings is more appropriate for the Funeral Directors Association, and not this Board which is in place for consumer protection. Mr. Collins advised that it is his job to ensure that the professional boards under the Division of Professional Regulation are on course with what the legislative intent is of the boards, and that the Division's staff and Attorney General's office are willing to work with the Board to assist with what the Board wants to accomplish. Mr. Collins advised that if the Board of Funeral Services and the Delaware State Funeral Directors Association start to feel like one organization, then issues and conflicts may arise. Mr. Collins reported that (yesterday) he attended a hearing of the Joint Sunset Committee, which is a legislative committee that reviews boards and commissions. Mr. Collins advised that the Joint Sunset Committee was considering a review of the Board of Funeral Services next year. Although Mr. Collins does not believe the Board will be reviewed next year, he did advise that a legislative review may be in the Board's very near future. Mr. Collins thanked President Fletcher for the opportunity to address the Board. Mr. Fletcher thanked Mr. Collins for his input.

#### Funeral Establishment Inspections – Proposal from Legislative Subcommittee

Mr. Stevenson distributed copies of Rules and Regulations from Oklahoma, Maryland, New Jersey, Virginia and Vermont state boards pertaining to funeral establishment inspections. Mr. Wright asked Mr. Collins if he should withdraw his report from the annual meeting of The Conference. Mr. Collins replied that he thought the report was "very appropriate". Mr. Stevenson stated that the Board will need to propose legislation in order to require funeral establishment inspections. Mr. Stevenson advised the Board to review the copies he distributed and decide what they like and don't like about each state's requirements. Mr. Wright stated that the Board required establishment inspections prior to 1999, and asked if the Division has records of what the prior inspection regulations were. Mr. Stevenson will

research prior inspection regulations and report back to the Board or Legislative Subcommittee at its next meeting. Mr. Stevenson pointed out that some of the states' regulations were more detailed than others, and addressed specific requirements such as appliances, tile floors and ventilation, among other things. Ms. Levy asked how often funeral establishments are inspected in Delaware. Mr. Wright responded that Delaware establishments are currently not inspected. The Board agreed that the Legislative Subcommittee will draft Rules and Regulations for funeral establishment inspections for the Board's review. Mr. Chandler and Mr. Fletcher recommended incorporating OSHA's requirements to the draft of Rules and Regulations. Mr. Wright asked if Federal Trade Commission funeral requirements would fall under the same rules and regulations as OSHA requirements. Mr. Fletcher and Mr. Collins agreed that the Federal Trade Commission regulates pricing, and not safety issues. Mr. Wright stated that the Board's "thinking is a little limited". Mr. Wright added that he was not at the meeting to pass his time, and that he wouldn't say something if he didn't know what he was talking about. Mr. Stevenson advised that the Board's Rules and Regulations address the Federal Trade Commission relative to the pricing of funeral services and merchandise, but not safety or inspection issues. Mr. Fletcher recommended that Mr. Stevenson obtain a copy of OSHA's compliance manual relative to prep rooms for funeral establishments. Mr. Collins asked if OSHA inspects funeral establishments. Mr. Fletcher responded that OSHA inspects an establishment in the event of a complaint. Mr. Torbert advised that OSHA inspections were randomly performed in past years. Mr. Chandler advised that funeral establishment employees must be educated on OSHA requirements annually. Mr. Collins asked what the Board was trying to address by requiring establishment inspections. Mr. Torbert responded that his understanding of the proposal was to require a one-time inspection prior to licensing a funeral establishment. Mr. Collins advised that other professional boards have similar inspection requirements, such as pharmacy licensure and dental anesthesia permits. Mr. Collins asked if the Board was also recommending inspections at regular intervals. Mr. Torbert responded that his understanding from the Legislative Subcommittee meetings was that inspections would only be made for initial licensure. Mr. Chandler stated that his understanding from the discussions was that the Board would inspect establishments every 2, 3 or 5 years. Mr. Wright agreed with Mr. Chandler. Mr. Collins advised that if the Board proposed legislation to require inspections, both the Board and the Division would have to answer to the legislature as to why the proposed inspections would be necessary and what problem the Board is trying to solve. Mr. Collins asked Ms. Howard to research the Board's minutes to find out why establishment inspections were stopped. Mr. Wright advised that he could answer the question as to why inspections were stopped, but that he would need to speak with Mr. Collins "outside of the session". Mr. Wright stated that OSHA inspections usually take place as a result of a complaint or an issue. Mr. Wright added that the current funeral establishment permit application asks if the applicant has certain items available in its prep room, and he feels that the list of items is insufficient. Ms. Howard read aloud the list of required items from the funeral establishment application. Mr. Wright stated that the law requires the prep room supplies to be kept in a locked cabinet, and also requires a safety shower and an eyewash station. Ms. Howard noted that the funeral establishment application also asks the applicant to attest that the building contains a locked preparation room. Mr. Wright stated that there are requirements for information and identification that must be posted on the locked prep room door, and that Delaware is "not up to date". Mr. Fletcher stated that all of the requirements Mr. Wright referred to are covered under OSHA regulations. Ms. Knox stated that in comparing the list read aloud by Ms. Howard with the Rules and Regulations governing establishment inspections of other states, she observed that some of the other states' regulations are much more detailed and specific than Delaware, particularly Vermont. Mr. Collins asked DAG Stevenson to draft a matrix of different safety or inspection requirements for the Subcommittee to consider, rather than reviewing other states' Rules and Regulations; If Mr. Stevenson wants to provide a list to the Division, then DPR will format the list into a matrix for the committee's review.

#### Next Legislative Subcommittee Meeting - TBD

Ms. Howard will email the members of the Legislative Subcommittee in order to schedule the next committee meeting. Mr. Wright stated that Ms. Howard is very efficient in sending out notices and responding to emails. Ms. Howard thanked Mr. Wright for the acknowledgement.

#### REVIEW OF DEFICIENT AUDIT SUBMISSIONS

##### Matthew J. Genereux

Mr. Fletcher summarized the status of Matthew Genereux's audit submission for the Board. Mr. Wright asked for clarification of the reporting time. Ms. Howard explained that the Division generated a random audit of the Board's licensees some time after the August 2010 renewal. Mr. Genereux's audit submission

was received three days late and did not include the requested certificates of completion. After review, the Board mailed a certified letter to Mr. Genereux requesting that he submit certificates of completion to the Board within 10 days of receipt of the certified letter. Mr. Genereux submitted one certificate of completion within the required timeframe, which encompassed all of the individual seminars attended by Mr. Genereux, as well as the number of credit hours allotted for each. After review, the Board mailed another certified letter to Mr. Genereux notifying him that the courses he submitted had not been previously reviewed or approved by the Delaware Board of Funeral Services. The letter requested one of the following: proof that the courses were approved by the APFSP or CE approval applications for each course submitted including corresponding agendas for each course. Mr. Genereux submitted CE approval requests for each course for the Board's review. Mr. Fletcher and Mr. Torbert reviewed the audit submission and CE approval requests. After further discussion, Mr. Torbert made a motion, seconded by Ms. Levy, to approve all of the courses submitted by Mr. Genereux and to accept Mr. Genereux's audit submission. The motion passed by a majority vote, with Mr. Wright opposed. The approved courses are as follows:

- Wilbert Funeral Services – *Graveside Services*, 11/18 – 11/19/2009, Greater Philadelphia Expo Center, 1.0 CE
- Batesville Casket Company – *An Initial Action Plan*, 11/18 – 11/19/2009, Greater Philadelphia Expo Center, 2.0 CE
- Matthews Casket Company – *The Ethics of Funeral Arrangements*, 11/18 – 11/19/2009, Greater Philadelphia Expo Center, 2.0 CE
- Funeral Data Manager, Inc. – *Meaningful Arrangement Conference*, 11/18 – 11/19/2009, Greater Philadelphia Expo Center, 1.0 CE
- Funeral Data Manager, Inc. – *State & Federal Forms Completion*, 11/18 – 11/19/2009, Greater Philadelphia Expo Center, 2.0 CE
- Heffner Funeral Chapels & Crematory, Inc. – *Providing Consumers with Payment Options*, 11/18 – 11/19/2009, Greater Philadelphia Expo Center, 1.0 CE
- Heffner Funeral Chapels & Crematory, Inc. – *Veterans Tributes & Due Respect*, 11/18 – 11/19/2009, Greater Philadelphia Expo Center, 1.0 CE
- Heffner Funeral Chapels & Crematory, Inc. – *Celebrant Services*, 11/18 – 11/19/2009, Greater Philadelphia Expo Center, 1.0 CE

## **NEW BUSINESS**

### **APPROVAL OF LICENSURE RATIFICATION**

#### **Nicole Robinson, Funeral Director**

The application was reviewed and approved by Mr. Torbert. Ms. Knox made a motion, seconded by Ms. Levy, to ratify the licensure of Nicole Robinson. The motion passed by a majority vote. Mr. Wright did not vote. At Mr. Wright's request, the vote was later amended to reflect his affirmative vote, and the motion passed unanimously.

#### **Cedric Whitaker, Limited License**

The application was reviewed and approved by Mr. Torbert. Mr. Chandler made a motion, seconded by Ms. Knox, to ratify the licensure of Cedric Whitaker. The motion passed by a majority vote. Mr. Wright did not vote. At Mr. Wright's request, the vote was later amended to reflect his affirmative vote, and the motion passed unanimously.

#### **Todd Allan Mielke, Limited License**

The application was reviewed and approved by Mr. Torbert. Ms. Knox made a motion, seconded by Ms. Levy, to ratify the licensure of Todd Allan Mielke. The motion passed by a majority vote. Mr. Wright did not vote. At Mr. Wright's request, the vote was later amended to reflect his affirmative vote, and the motion passed unanimously.

## **REVIEW OF RESIDENT INTERN REPORTS**

### **Michael Platt – 25 Embalming Reports & Final Progress Report**

Mr. Wright and Mr. Fletcher reviewed the embalming reports and final progress report of Michael Platt. Mr. Wright stated his concern that Mr. Platt had completed his apprenticeship at one facility, but was currently employed by another, and asked if that was acceptable. Mr. Fletcher advised that all of Mr. Platt's embalming reports and his final progress report had been signed by William "Bill" Krienen. Ms. Howard advised that the Board's Rules and Regulations don't require an intern to stay with the same

preceptor and don't require the Board to approve the preceptor. Mr. Stevenson confirmed that the Board's Rules and Regulations don't prohibit an intern from changing its preceptor or the establishment it works in. Ms. Levy made a motion, seconded by Mr. Torbert, to accept the embalming reports and final progress report of Michael Platt. The motion passed by a majority vote. Mr. Wright did not vote. At Mr. Wright's request, the vote was later amended to reflect his affirmative vote, and the motion passed unanimously.

William T. Harra, Jr. – Final Progress Report

Ms. Knox made a motion, seconded by Ms. Levy, to accept the final progress report of William T. Harra, Jr. The motion passed by a majority vote. Mr. Wright did not vote. At Mr. Wright's request, the vote was later amended to reflect his affirmative vote, and the motion passed unanimously.

REVIEW OF APPLICATIONS FOR LICENSURE

Gerrod March, Limited License

The application was reviewed by Mr. Fletcher. Ms. Levy made a motion, seconded by Mr. Torbert, to approve the application for Limited Licensure of Gerrod March. The motion passed by a majority vote; Ms. Howard asked for Mr. Wright's vote because he had not verbalized or otherwise responded with a vote on the 5 previous motions. Mr. Wright stated that he would not vote until he chose to vote. Mr. Stevenson asked Mr. Wright if he was abstaining. Mr. Wright responded that he was not abstaining, but that the minutes should reflect that he was "present". At Mr. Wright's request, the vote was later amended to reflect his affirmative vote, and the motion passed unanimously.

Michael Platt, Funeral Director by Internship (contingent upon passing state exam)

The application was reviewed by Mr. Fletcher. Ms. Knox questioned the process of approving licensure contingent upon a passing exam score. Mr. Fletcher and Ms. Howard explained. Ms. Levy asked if the application should be tabled until Mr. Platt had taken the state exam. Mr. Fletcher stated that in his opinion, it was not necessary to table the application since Mr. Platt has completed all of the Board's requirements for licensure with the sole exception of passing the state exam. Ms. Howard stated that once applicants are approved, they can schedule to take the exam at any time. Mr. Wright stated that he is concerned that the Board is approving final intern reports and reviewing applications for licensure for the same applicant at the same meeting, and asked if it was a new posture of the Board. Ms. Howard stated that she has been with the Board for just over one year and that in her experience, both the Funeral Board and other professional boards have approved licensure contingent upon passing exam scores, when the applications are otherwise complete. Mr. Wright asked if there was a rush to approve licensure applications. Mr. Collins responded that there is a rush if you are the applicant on the other side of the process. Mr. Wright stated that there was no rush for his personal licensure application. Mr. Collins explained that the applicant has met all other requirements, with the exception of passing the state exam; He added that the motion of approving licensure contingent upon passing the state exam means that if the applicant passes the exam, the Division can issue his license; If the applicant does not pass the exam, the Division will not issue a license; The motion gives the Division instructions on what to do when the applicant passes the exam. Mr. Wright stated that he believes the process has been different in the past. Mr. Collins stated that many procedures of the past have been updated to make the licensing process more efficient. Mr. Collins added that the work done by the Division of Professional Regulation has an effect on the economy; If people come to Delaware and can't get to work quickly, then that makes Delaware a less attractive place to come. Mr. Collins advised that the Division is always looking for ways to improve the licensure process, and that this is not the first instance where the Board has reviewed final intern reports and licensure applications at the same meeting, nor is it the first time the Board has been asked to consider approving licensure contingent upon a passing exam score. Mr. Collins added that the ultimate decision is the Board's as to how they wish to proceed. Mr. Wright stated that he doesn't see the need to rush anything. Mr. Collins responded that the law sets out certain requirements that the Board has to review and if the Board determines that those requirements need to be changed, then the Board can move to change a law and the Division will work with the Board on that; However, once those requirements are met, neither the Board nor the Division has the discretion to deny a license according to the law. Mr. Wright asked if an apprentice completes the required 25 embalming reports within 60 days, can the apprentice then apply to take the exam. Mr. Fletcher responded that interns must complete a full year of training before applying to take the exam. Ms. Knox made a motion, seconded by Ms. Levy, to approve Funeral Director licensure for Michael Platt contingent upon his passing the state exam. The motion passed by a majority vote; Mr. Wright did not vote. Ms. Howard asked Mr. Wright if he was abstaining. Mr. Wright responded, "present". Mr. Stevenson advised Mr. Wright that the correct procedure



would be to vote or abstain from the vote, and asked Mr. Wright for the reason why he was not voting. Mr. Wright responded that he was choosing not to vote. Mr. Fletcher advised that as representatives of the Board, everyone should be voting. Mr. Wright disagreed but requested that all of his previous votes be changed to “yes” so that “the minutes are proper”.

William T. Harra, Jr., Funeral Director by Internship (contingent upon passing state exam)

Ms. Levy made a motion, seconded by Ms. Knox, to approve Funeral Director licensure for William T. Harra, Jr., contingent upon his passing the state exam. The motion was unanimously carried.

#### REVIEW OF APPLICATIONS FOR CONTINUING EDUCATION APPROVAL

Wenzel Services: Trauma: The Gift of an Open Casket, 4/12/11, Requesting 2.0 CE

Mr. Fletcher and Mr. Torbert reviewed the CE approval request. Ms. Levy made a motion, seconded by Ms. Knox, to approve the request for 2.0 CE credits. The motion was unanimously carried.

Cooper Wilbert Vault Co.: Outer Burial Container Manufacturing Tour, January 1, 2011 – December 31, 2011, Requesting 2.0 CE

Mr. Fletcher and Mr. Torbert reviewed the CE approval request. Ms. Levy made a motion, seconded by Mr. Chandler, to approve the request for 2.0 CE credits. The motion was unanimously carried.

Cooper Wilbert Vault Co.: Marketing of Outer Burial Containers, January 1, 2011 – December 31, 2011, Requesting 3.0 CE

Mr. Fletcher and Mr. Torbert reviewed the CE approval request. Mr. Chandler made a motion, seconded by Ms. Knox, to approve the request for 3.0 CE credits. The motion was unanimously carried.

#### COMPLAINT STATUS

No updates to report.

#### OTHER BUSINESS BEFORE THE BOARD (for discussion only)

Mr. Wright stated that he printed a list of licensees from the Board’s website, and asked how often the information on the website is updated. Ms. Howard asked for clarification of what specific information Mr. Wright was questioning. Mr. Wright asked for clarification of two license statuses, “lapsed-must reapply” and “deceased”. Ms. Howard explained that if a license is lapsed for a certain amount of time, then the applicant cannot renew the license, but must reapply with a new application. Mr. Wright asked if a licensee needed to reapply, would they have to complete another apprenticeship. Mr. Stevenson advised that the licensee would be a new applicant “starting over from square one”. Ms. Howard stated that if the Division receives an obituary or some other type of written confirmation that a licensee has died, then the status of the licensee may be changed to “deceased” in the database. Without an obituary or written verification of death, a licensee’s status may reflect a lapsed status.

#### PUBLIC COMMENT

None

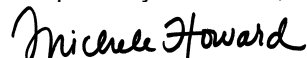
#### NEXT MEETING

The next Board meeting will be held on Wednesday, July 27, 2011, at 10:00 a.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

#### ADJOURNMENT

There being no further business, Mr. Chandler made a motion, seconded by Ms. Levy, to adjourn the meeting at 11:34 a.m. The motion was unanimously carried.

Respectfully submitted,



Michele Howard  
Administrative Specialist II